

BRIAN SANDOVAL
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

Guy M. Wells, Chairman
Thomas "Jim" Alexander
Kevin E. Burke
Margaret Cavin
Joe Hernandez
Jan B. Leggett
Stephen P. Quinn



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING December 18, 2013

CALL TO ORDER:

Administrative Law Judge Timothy Geswein, Esq. called the meeting of the State Contractors Board to order at 8:36 a.m., Wednesday, December 18, 2013, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

ADMINISTRATIVE LAW JUDGE PRESENT:

Mr. Timothy Geswein, Esq.

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. Richard Scotti, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on December 12, 2013, at Paseo Verde Library, Sawyer State Building and Clark County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board's Internet Website.

ADMINISTRATIVE LAW JUDGE: Timothy Geswein, Esq.

1. DISCIPLINARY HEARING:

ARISE CONSTRUCTION, INC., License Nos. 17414, 77783, 77784

PACIFIC CAPITAL SERVICE CORPORATION, License Nos. 52224A, 52227A

Licensees were present but not represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit #1 – The Board's Hearing File.

Exhibit #2 - Correspondence between Haskell & White and Daniel Donovan dated December 13, 2013.

Exhibit #3 - Correspondence between Haskell & White and Daniel Donovan dated December 16, 2013.

Exhibit #4 - Correspondence between Haskell & White and Daniel Donovan dated December 16, 2013.

The following Licensee's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated December 11, 2013.

ALJ Geswein found Respondent Arise Construction, Inc. guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 for the Second Cause of Action and investigative costs of \$2,233.00. The First Cause of Action was dismissed. Respondent Arise Construction, Inc. was ordered to provide current bank verifications for all cash accounts by December 31, 2013. Respondent Arise Construction, Inc. was ordered to pay fines and costs and provide a current reviewed financial statement by January 20, 2014. This matter may be brought back on January 22, 2014.

2. DISCIPLINARY HEARING:

ROBERT LYNN WREGE, OWNER, dba ABRAHAM MECHANICAL SERVICES,

License Nos. 41908, 43580

Licensee was present but not represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit #1 – The Board's Hearing File.

The following Licensee's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated November 3, 2013.

ALJ Geswein found Respondent guilty of one (1) violation of NRS 624.3014(2)(a), (c) and (d) aiding or abetting an unlicensed person to evade the provisions of this chapter; allowing a license to be used by an unlicensed person; acting as agent or partner of an unlicensed person; one (1) violation of NRS 624.3016(1) misrepresentation or the omission of a material fact; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. The First, Third and Fourth Causes of Action were dismissed. Respondent was assessed a fine of \$100.00 for the Second Cause of Action; a fine of \$250.00 for the Fifth Cause of Action; a fine of \$1,000.00 for the Sixth Cause of Action for total fines of \$1,350.00 and investigative costs of \$1,709.00. Respondent shall pay fines and investigative costs within thirty (30) days of the December 18, 2013.

3. DISCIPLINARY HEARINGS:

GREENCARE DESIGNS, LLC, License Nos. 77114, 77460

Licensee was present and represented by counsel at the hearing, Eric Dobberstein, Esq.

The following Agency Exhibits were entered:

Exhibit #1 – The Board's Hearing File.

The following Licensee's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated November 15, 2013 and Respondent's Investigative Hearing Brief dated December 6, 2013.

ALJ Geswein found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of the State; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 for each of the Second and Third Causes of Action for total fines of \$1,000.00 and investigative costs of \$1,200.00. Respondent and Jonathan Dolins shall enter into a written change order and Respondent shall refund monies to Dolins. Respondent has thirty (30)

days from the December 18, 2013 hearing to complete the repairs, refund monies and pay the fines and investigative costs. The First Cause of Action was held in abeyance until the repairs and refund of monies are completed. This matter may be brought back on January 22, 2014.

4. DISCIPLINARY HEARINGS:

CARMEL FLOORING, INC., License Nos. 72621, 55151

Licensees were present but not represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit #1 – The Board's Hearing File.

Exhibit #2 – Correspondence from Jean Fraisse to the Board dated October 21, 2013.

Exhibit #3 – Correspondence from Jean Fraisse to the Board dated November 18, 2103 and received December 17, 2013.

The following Licensee's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated December 12, 2013.

ALJ Geswein found Respondent guilty of one (1) violation of NRS 624.3017(1) workmanship not commensurate with the standard of the trade in general; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. The Sixth Cause of Action was dismissed contingent upon Respondent accepting lower license limits and removing the indemnitor from license number 55151. Respondent was assessed a fine of \$250.00 for each of the First and Fifth Causes of Action; a fine of \$50.00 for each of the Second, Third and Fourth Causes of Action for total fines of \$650.00 and investigative costs of \$2,581.00. Respondent shall pay all fines and investigative costs within thirty (30) days of the December 18, 2013 hearing or license numbers 72621 and 55151 shall be suspended. Restitution was ordered in the amount of \$15,700.00 to be paid within sixty (60) days of the December 18, 2013 hearing.

5. DISCIPLINARY HEARINGS – DEFAULT ORDER:

a. ROBERT LOGAN, OWNER, dba ROBERT LOGAN, License Nos. 13477, 13477A

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Geswein found Respondent Robert Logan, Owner, dba Robert Logan, license numbers 13477 and 13477A in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent was found guilty of one (1) violation of NRS 624.301(5) failure to comply with the terms of a construction contract; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.301(2) abandonment of a construction project when the percentage completed is less than the percentage paid; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of

NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$1,000.00 for each of the First and Third Causes of Action; a fine of \$50.00 for each of the Second, Fifth and Sixth Causes of Action; a fine of \$250.00 for the Fourth Cause of Action; a fine of \$500.00 for the Seventh Cause of Action for total fines of \$2,900.00 and investigative costs of \$1,867.00. License numbers 13477 and 13477A, Robert Logan, Owner, dba Robert Logan were revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

b. UTEK FRAMING, INC., dba UTEK GYPSUM CONCRETES, License No. 64817

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Geswein found Respondent Utek Framing, Inc., dba Utek Gypsum Concretes, license number 64817 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent was found guilty of one (1) violation of NRS 624.3011(1)(b)(4) violation of the laws of this State regarding industrial insurance; one (1) violation of NRS 624.3013(4) failure to keep in force the bond for the full period required by the Board; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of a change of address; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for each of the First and Fourth Causes of Action; a fine of \$250.00 for the Second Cause of Action; a fine of \$50.00 for the Third Cause of Action for total fines of \$1,300.00 and investigative costs of \$1,678.00. License number 64817, Utek Framing, Inc., dba Utek Gypsum Concretes was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

c. PHILIP JOSEPH RIVAS, OWNER, dba PHILIP JOSEPH RIVAS SHEETMETAL, License No. 50409

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Geswein found Respondent Philip Joseph Rivas, Owner, dba Philip Joseph Rivas Sheetmetal, license number 50409 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$250.00 for the Second Cause of Action for total fines of \$750.00 and investigative costs of \$1,643.00. License number 50409, Philip Joseph Rivas, Owner, dba Philip Joseph Rivas Sheetmetal was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Administrative Law Judge Geswein at 1:03 p.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Timothy Geswein, Esq., Administrative Law Judge